

PATENT
Serial No. 10/056,362

Amendment in Reply to Office Action of August 22, 2003

REMARKS

Reconsideration of the present application and entry of the present amendment are respectfully requested.

My means of the present Amendment, the specification has been amended to negate the change made thereto by means of the Amendment mailed on November 18, 2003, which had incorrectly changed "nits" to "units". The original specification referring to nits was correct, where nits is a unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source. (See attached page from dictionary.reference.com). Further, claims 8-9 and 12-13 have been amended to correct certain informalities.

In the Office Action, claims 1-14 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0,064,764 A1 (Fishman). In response, the following remarks are presented. It is respectfully submitted that claims 1-14 are patentable over Fishman for at least the following reasons.

Fishman discloses a multimedia analysis system for capturing and comparing sports performance of a golf player. Fishman is completely silent and is not related to enhancing a particular part

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of any display information (as in claims 1, 11 and 13), let alone doing so if a certain criterion is met (as in claims 1 and 11-12). Fishman is equally silent about any detection means that detect at least one of the particular criteria recited in independent claims 1 and 11-12, where enhancement means enhances part of display information if at least one of the criteria is met, as recited in independent claims 1 and 11-12. Further, Fishman does not teach or suggest enhancing part of the display based on a difference between the intensity values at different instances or times as recited in independent claim 13.

Paragraphs [003], [005], [0064] and [0071] of Fishman are cited in rejecting independent claims 1 and 11-13. Upon careful review of Fishman, it is respectfully submitted that Fishman, including paragraphs [003], [005], [0064] and [0071], does not teach or suggest enhancing the display if one of the criteria is met, let alone enhancing part of the display if one of the criteria is met or based on intensity difference values at different times within part of the display to be enhanced.

Paragraph [0071] of Fishman discusses video enhancement, but any enhancement is not in response to meeting one of the criteria, or in response to a difference value, as specifically recited in

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independent claims 1 and 11-13. In particular, there is simply to teaching or suggestion in Fishman of enhancing a display part if moving information is displayed. Fishman does not teach or suggest enhancing part of the display if moving information is displayed.

Any enhancement in Fishman is not performed if moving information is displayed or if a certain difference value is detected, and is not performed on part of the display. Rather, any enhancement in Fishman is not performed if moving information is displayed and enhances the entire display, not a part thereof. Further, Fishman merely teaches including components to facilitate collection and use of data, where such components include a "video contrast enhancer for modifying video signals such as by using shading compensation, brightness compensation, or preselected grey scale levels to introduce picture contrast (See paragraph [0071]).

Under the heading Response to Arguments, on page 8 of the Final Office Action, the Examiner indicates that with regard to claims 1 and 11-13, "a video contrast enhancer for modifying video signals" corresponds to enhancement means for moving information disclosed in Fishman.

It is respectfully submitted that any enhancement means disclosed in Fishman, is not performed if one of the three

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particular criteria recited in independent claims 1 and 11-12, such as enhancing a display part or providing coordinates of the display part if moving information is displayed, for example; and any enhancement in Fishman enhances the entire video signals. For example, in Fishman, the brightness of the entire screen is enhanced. There is no teaching or suggestion of enhancement means that enhances only a part of the display information, as recited in independent claims 1, 11-13.

For example, paragraph [0071] of Fishman merely teaches a video contrast enhancer for modifying video signals such as brightness compensation, which video signals are displayed on the entire screen.

Further, enhancing part of the display information if meet one the particular criteria recited in independent claims 1 and 11-13, is nowhere taught or suggested by Fishman. In particular, Fishman does not teach or suggest that the video signals are enhanced in response to any moving video images of a golfer.

It is axiomatic that anticipation under 35 U.S.C. §102 requires that the prior art reference disclose every element of the claim. In re King, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). Thus, there must be no differences between the subject

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matter of the claim and the disclosure of the prior art reference. Stated in another way, the reference must contain within its four corners adequate directions to practice the invention. The corollary of this rule is equally applicable. The absence from the reference of any claimed element negates anticipation. *Kolster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

Nowhere within the four corners of *Fishman* is there a hint or suggestion of enhancing, or providing coordinates, of a part of the display information, let doing so if to one of the particular criteria recited in independent claims 1 and 11-13 is met.

Based on the arguments provided above, it is respectfully requested that the rejection of claims 1-14 under 35 U.S.C. § 102(a) based on *Fishman* be withdrawn.

Accordingly, it is respectfully submitted that independent claims 1 and 11-13 be allowed. In addition, as claims 2-10 and 14 depend from independent claims 1 and 11-13, applicants respectfully request that claims 2-10 and 14 also be allowed.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

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If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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Enclosure: One page from dictionary.reference.com



nits

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nit¹ **Pronunciation Key** (nĭt)
n.

The egg or young of a parasitic insect, such as a louse.

[Middle English, from Old English hnitu.]

nit¹ ty *adj.*

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nit² **Pronunciation Key** (nĭt)
n.

A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

[From Latin nitor, *brightness*, from nitēre, *to shine*.]